

PRIVACY POLICY REGARDING PUBLIC ACCESS TO CASE RECORDS

Effective October 12, 2006

FILING DOCUMENTS CONTAINING PERSONAL DATA IDENTIFIERS

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002 (44 U.S.C. §§ 3601-3606), and in order to promote electronic access to documents while also protecting personal privacy and other legitimate interests, unsealed documents containing the personal data identifiers set forth below **must be redacted**, whether the document is filed conventionally or electronically, unless otherwise ordered by the Court. Any personal information not otherwise protected will become part of the public record.

- **Social Security numbers.** If a social security number must be included in a document, only the last four digits of the number should be used, identified as follows: xxx-xx-1234.
- **Names of minor children.** If the name of a minor child must be mentioned in a document, only the initials of the child should be used.
- **Dates of birth.** If an individual's date of birth must be included in a document, only the year should be used, as follows: xx/xx/1970.
- **Financial account numbers.** If a financial account number is required in a document, only the last four digits of the number should be used, as follows: xxx-xxx-1234.
- **Home addresses (in criminal cases).** If a home address must be included in a document, only the city and state should be used.

A party wishing to file a document containing a personal data identifier specified above has two options. The party may move to file an unredacted version of the document under seal **OR** file an unsealed document with redacted personal data identifiers **and move to file a reference list under seal**. The reference list shall contain both complete personal data identifiers and the corresponding redacted personal data identifiers substituted for privacy purposes in the unsealed filing. Any reference in the case to a redacted personal data identifier will be construed to refer to the corresponding complete personal data identifier shown on the sealed reference list. The unredacted version of the document or reference list shall be retained by the Court as a part of the record. The Court may, however, still require the party to file a redacted copy for the public file (which would be available electronically and at the courthouse).

The **reference list** is intended to serve as a type of "key." For example, if an individual's social security number is 123-45-6789, the list would include the complete number with the corresponding redacted number of XXX-XX-6789, which would be used in future filings. This is beneficial to the

court and the clerk's office because it eliminates the future filing of two versions of a document--one unredacted and one redacted.

INTERNET AVAILABILITY OF UNPROTECTED PERSONAL INFORMATION

It must be remembered that any personal information not otherwise protected will be made available over the internet via PACER. Thus, filers should *exercise caution* when filing documents that contain the following:

- Personal identifying numbers, such as a driver's license number;
- Medical records, including treatment and diagnosis records;
- Employment history;
- Individual financial information;
- Proprietary or trade secret information;
- Information regarding the individual's cooperation with the government;
- Information regarding the victim of any criminal activity;
- National security information;
- Sensitive security information as described in 49 USC §114(s); and
- Other data as permitted by order of the Court.

Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion, redaction, and/or exclusion of certain materials may be made. It is the **sole responsibility of counsel and the parties** to ensure the redaction of personal identifiers. The Clerk's Office **will not** review any document for redaction purposes. **SPECIAL NOTICE:** It is the filing party's responsibility to provide the U.S. Attorney's Office with the social security number of the plaintiff upon the filing of a new social security case.